

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRIAN LAMONT CLAYBORN,

Plaintiff,

v.

Case Number 19-12971

Honorable David M. Lawson

ROBERT DISTELRATH, ROBERT
SHINSKE, KEMIA CROSSON, TRACEY
BROWN, and the CITY OF DETROIT
FIRE DEPARTMENT,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION
TO DISMISS PLAINTIFF'S COMPLAINT

Presently before the Court is the report issued on January 14, 2020 by Magistrate Judge David R. Grand pursuant to 28 U.S.C. § 636(b), recommending that the Court dismiss the plaintiff's complaint under Federal Rule of Civil Procedure 41(b) for failing to file a response to the show cause order entered on November 21, 2019 and for failing to provide the requisite service-related documents to the Clerk's Office. Although the report stated that the parties to this action could object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation (ECF No. 12) is **ADOPTED**.

It is further **ORDERED** the plaintiff's complaint is **DISMISSED WITHOUT PREJUDICE**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Date: February 4, 2020

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first-class U.S. mail on February 4, 2020.

s/Susan K. Pinkowski
SUSAN K. PINKOWSKI